

STATE FAIR GETS A WRIT OF HABEAS CORPUS

Virginia Amusement Concession Corporation Awarded Damages in Lower Court.

GAMBLING WAS CHARGED

Wheels Closed by Management on Ground That Money Was Exchanged for Money.

By an opinion yesterday of the Virginia Supreme Court of Appeals, in session at Staunton, a writ of error and superaddendum was granted the Virginia State Fair Association, Inc., against the Virginia Amusement Concession Corporation. The case went up from Hustings Court, Part II, South Richmond, where a verdict of \$2,250 was returned against the fair for breach of contract.

The Fair Association, it was alleged at the hearing of the suit, had sold the amusement corporation the privilege of operating dog, cat, and aquarium wheels and like devices during the exhibition of 1911, and the defendants had, without just cause, unreasonably restricted its operations to the running of twelve wheels of the character contracted for. This restriction, the plaintiff contended, was unwarrantable. In view of the conditions that obtained during previous fairs, and damages were laid in the sum of \$5,000.

In answer to this the Fair Association contended that immediately upon the opening of the fair, the defendant corporation proceeded in operating a great number of wheels, at which money was exchanged for money, in express violation of the contract and the law, and that the association had then, under the terms of its contract, revoked and forfeited the concession sold to the plaintiff. Later, according to the opinion of the court, the plaintiff was permitted to operate twelve wheels of the objectionable character referred to, a number which, it was insisted, were reasonable and proper.

The defendant contended, under its contract, its officers were the sole judges of what should be permitted, both as to character and number of the amusement devices. The plaintiff corporation, on the other hand, argued that the Fair Association's power extended only to the making of reasonable restrictions, and that the restriction of the number of devices was both unreasonable and in violation of the contract. This latter view was taken by the jury, which, however, assessed the damages at \$2,250, instead of the amount asked for by the plaintiff.

The opinion of the Court of Appeals acts as stay on all further proceedings until after the case has been reviewed by the whole court and a decision handed down. Bond in the sum of \$3,000 was required.

In the case of Williams et al. against Elphardt, from Hustings Court, Part II, a writ of error and superaddendum was also granted. This case involved a sum of money alleged to have been due on notes. Bond in the sum of \$1,200 was required.

THIS LADY OBEYED HUSBAND

In Matter Where Her Happiness Was at Stake, and is Mighty Glad She Did

Sheldon, S. C.—In advice from this town, Mrs. J. B. Marvin writes as follows: "For more than three years I suffered with womanly troubles, and none of the different treatments I underwent seemed to do me any good."

I also had pains in my left side, so bad at times I could hardly get up.

My husband told me to buy some Cardui, the woman's tonic, and I did. I started taking it, and soon began to feel better. I took only a few bottles, and now I am perfectly well and able to do anything.

Cardui has done me a world of good. It certainly cured me of the trouble I had, and I am getting along nicely.

The undersigned, however, as shown by the above differences were not over 250 votes, so in no wise could this difference affect the result. The precincts in the State made no report, but the reason therefor is unknown. It may be that no election was held. In any event, it has been proved by investigation that the total vote in any material way affect the total result. We find the total vote to be as follows: For Lieutenant-Governor, J. Taylor Ellyson, 4,494; Lewis H. Machen, 3,256; A. J. Wedderburn, 1,882; for Attorney-General, S. Gordon Cumming, 5,240; John Garland Pollard, 3,261; Samuel W. Williams, 3,187; for Commissioner of Agriculture, J. Thompson Brown, 26,194; George W. Kolner, 41,197. From the above vote it appears that the nominees in the said primary are as follows: Lieutenant-Governor, J. Taylor Ellyson; Attorney-General, John Garland Pollard; Commis-

sioner of Agriculture, Geo. W. Kolner. "Respectfully submitted," "J. W. THOMPSON," "Chairman," "J. M. CURTIS," "E. L. SCOTT."

Certificates Issued.

On motion of Judge R. T. W. Duke the report was adopted and the certificates of nomination issued accordingly. There being no discussion or protest over any part of the primary returns.

Carrying out the suggestion of Mr. Breneman, Mr. McIntyre moved that a committee of three be named by the chair to draft and suggest to the next General Assembly such amendments to the present primary law as will render it plain to be understood, and to remedy such defects as the operation under it up to this time have made manifest. The motion was adopted, and Chairman Echols appointed as the committee Messrs. McIntyre, Downing and Barnes.

Judge Ackiss offered an extended resolution providing that the State Democratic Committee propose to the General Assembly an amendment to the State Constitution in Section 21, Article 1, as to conditions for voting, providing for the payment of only one year's poll taxes, instead of three as a condition of voting, and for the payment of that year two months, instead of six months before the election. The resolution was tabled on motion of Mr. McAllister.

The Norfolk County Case.

Judge D. Tucker Brooke presented an extended protest of certain citizens of Norfolk County against the action of the Norfolk County Democratic Committee in appointing the membership of that body to be elected in the Democratic primary of October 9. The party law provides for the appointment of committeemen from each ward or district on a basis of the

preceding Democratic votes cast in the preceding gubernatorial or presidential election. Ignoring the presidential election of 1912, the party committee in Norfolk County has provided for the election on October 9 of a new committee of twenty-four members with the gubernatorial election of 1909, the opportunity to be on a basis of one member for each thirty votes cast. This will give a committee of twenty-four instead of thirty-six, were the election of 1912 to be used, a very small vote having been cast in the gubernatorial election. Since 1909 a population of 12,800 people from Tanner's Creek District has been annexed to Norfolk, and Judge Brooke claimed that using the old vote would give a disproportionate membership on the committee to a district that in 1912 gave to Alfah H. Martin, the Republican nominee, 1,200 votes, the largest majority, and yielded to his Democratic opponent almost the smallest percentage of its total vote of any district in the county. This was honoring and rewarding this district for its fidelity in bestowing on its nine members of a committee composed of twenty-four. Other districts that have increased by six-fold their previous Democratic vote get but two members.

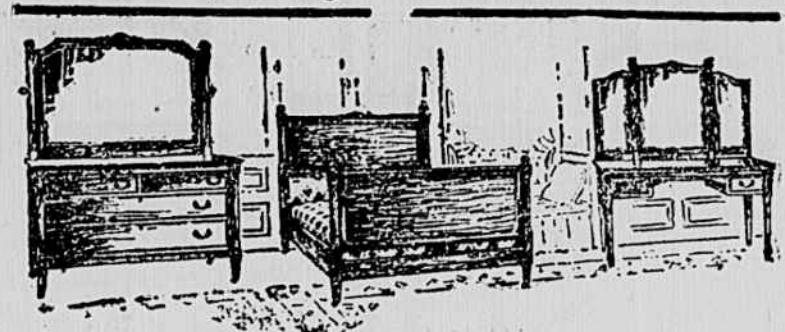
J. Taylor Thompson raised the question of jurisdiction, holding that what might be the merits of the controversy, the plan gave the Norfolk County committee the discretion of using either the presidential or gubernatorial figures as a basis. Having exercised a discretion vested in it, he did not think its action subject to review. Thomas Downing favored hearing the case. He would not feel at home at a meeting of the State committee where there was not a representative from Norfolk County. R. C. Marshall presented the reply of the Norfolk County committee, defending the action taken by the committee, claiming that the action had been taken for the best interests of the party. Both parties were allowed to file their petitions. To test the sense of the committee, Judge Duke moved that it be declared by the sense of the committee that it had no jurisdiction to interfere with a county committee in the exercise of its discretion, having followed the party plan. This was adopted on a recorded vote, 19 to 7, but the roll call having developed that there was not a quorum present, the point was raised in order that failure to take jurisdiction might not be made a precedent, and on motion of Colonel James the committee adjourned shortly before midnight. C. B. Garnett, who had been named by Mr. Pollard as assistant Attorney-General, appeared at the hearing, it being claimed that he had much influence in the State committee, as well as in the Norfolk County committee.

The Official Vote.

Following is the official vote for Pollard and Williams:

Counties

Posterity Furniture



THE Furniture like our Grandfathers bought is seldom found nowadays.

The old-fashioned integrity and solidness of construction is almost entirely gone.

Time was when the furniture of the fathers descended to the children, and thence to the grandchildren.

That was what we call "Posterity" Furniture.

It is the kind of furniture we sell—dependable, old-fashioned furniture.

New only in style and design.

We have Bedroom Suites, Chairs and Rockers, Tables—in short, a complete line of the best—posterity—goods.

We have recently received some of the handsomest period pieces it has ever been our pleasure to show. Adam Bros., Chippendale, Sheraton reproductions in solid mahogany. Many of these cannot be duplicated this season, and we'd like you to see them before they are sold.

Sydnor & Hundley,

SEVENTH AND GRACE STREETS.

REFUSED TO PASS ON PROTEST FROM NORFOLK COUNTY

(Continued From First Page.)

handling returns, to be recommended to the next session of the General Assembly.

An effort to put the committee on record as favoring a reduction of the poll tax requirements from three years to one year, and of the time for payment from six to two months failed.

Several hours were given to argument over a contest from Norfolk County, in which the charge was made that the Democratic Committee of Norfolk County has "abused its discretion, betrayed its trust, and endeavored to strengthen the hold of Alfah H. Martin, Republican, national committeeman, on the county by gerrymandering the apportionment of its members so as to reward by gifts of high places in the county the party a Democracy that joined hands with Republicans and negroes in the general election of 1911 and defeated the Democratic nominees."

Papers making these charges and an answer of the Norfolk County Committee denying them were filed. Discussion on the question of whether the committee had jurisdiction developed the fact that a number of members had left the hall; that there was no quorum present, and the committee adjourned in some confusion, the protesting party loudly proclaiming that the State Committee was giving sanction to trading with the Republicans and to other abuses which it is charged have prevailed in Norfolk County.

Following the meeting Acting State Chairman Echols surrendered the reins of leadership to State Chairman Ellyson, who relinquished them temporarily during his own campaign for reelection as Lieutenant-Governor.

The committee met in the Corporation Court room at the State Capitol, having a larger attendance than had been anticipated. Secretary Breneman presented a report telling of his violation of the precinct returns in the presence of representatives of the candidates. In conclusion he expressed the hope that in view of his experience with the first working of the new primary law, certain amendments would be recommended. A committee, consisting of Messrs. Thompson, Scott and Curtis, was named to examine the tabulations, and to report the result. The committee retired for more than an hour, and reported as follows:

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J. Taylor Thompson raised the question of jurisdiction, holding that what might be the merits of the controversy, the plan gave the Norfolk County committee the discretion of using either the presidential or gubernatorial figures as a basis. Having exercised a discretion vested in it, he did not think its action subject to review. Thomas Downing favored hearing the case. He would not feel at home at a meeting of the State committee where there was not a representative from Norfolk County. R. C. Marshall presented the reply of the Norfolk County committee, defending the action taken by the committee, claiming that the action had been taken for the best interests of the party. Both parties were allowed to file their petitions. To test the sense of the committee, Judge Duke moved that it be declared by the sense of the committee that it had no jurisdiction to interfere with a county committee in the exercise of its discretion, having followed the party plan. This was adopted on a recorded vote, 19 to 7, but the roll call having developed that there was not a quorum present, the point was raised in order that failure to take jurisdiction might not be made a precedent, and on motion of Colonel James the committee adjourned shortly before midnight. C. B. Garnett, who had been named by Mr. Pollard as assistant Attorney-General, appeared at the hearing, it being claimed that he had much influence in the State committee, as well as in the Norfolk County committee.

The Official Vote.

Following is the official vote for Pollard and Williams:

Counties

Accomack

Albemarle

Alexandria

Arlington

Amherst

Appomattox

Augusta

Berkeley

Blanco

Botetourt

Buckingham

Burke

Campbell

Pol- ind. Wm. Hams.

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Carroll

Charlotte

Chesterfield

Culpeper

Cumberland

Dickenson

Divideville

Elizabeth City

Essex

Fairfax

Fauquier

Floyd

Frederick

Giles

Glenostee

Grayson

Greene

Greensville

Halifax

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Dickenson

Divideville

Elizabeth City

Essex

Fairfax

Fauquier

Floyd

Frederick

Giles

Glenostee

Grayson

Greene

Greensville

Halifax

Henry

Henderson

Henry

Highland

Isle of Wight

King George

King and Queen

King William

Lancaster

Lancaster

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DISCIPLES OPPOSE LIQUOR AT FAIR

Virginia Christian Missionary Society Requests Directors Not to Allow Its Sale.

KEMPER IS NEW PRESIDENT

Annual Convention Adjourns After Address by Dr. Douglas Freeman.

Lynchburg, Va., September 11.—The Virginia Christian Missionary Society, the delegates and body representing the 35,000 disciples of Christ, in session here to-day, by resolution deprecated the sale of liquors at the State Fair, and requested the directors not to allow its sale on the grounds during the coming fair. A copy of the resolution was ordered sent to the association.

The next convention will be held at Hanover Avenue Church, Richmond, the convention recommending to the board that the session be early in the month. The exact time, however, was left to the State board.

The officers for the year were elected as follows during the morning session: President, Rev. George W. Kemper, Richmond; first vice-president, Rev. F. W. Long, Richmond; second vice-president, C. L. Suddick, Lynchburg; treasurer, Robert M. Kent, Richmond; auditor, George S. Crenshaw, Richmond.

The above officers, together with Herbert W. Ware, George C. White and T. M. Hundley, of Richmond, constitute the State board, the advisory board being as follows: Judge George K. Anderson, Clifton Forge; J. B. Lyon, Bristol; Rev. C. W. Phelps, Pulaski; C. E. Walker, Charlottesville; L. C. Sheburne, Dot; R. H. Nelson, Keysville; Rev. J. H. Nelson, Lynchburg; J. N. Harmon, Tazewell; J. H. Schlegel, Norfolk and Rev. J. D. Hamaker, of Strasburg.

The convention closed at 10 o'clock to-night, after listening to a thrilling address by Dr. Douglas Freeman, of Richmond, on Christian education, in which he made a plea for Christian training, especially in the preparatory schools and small colleges. The address was heard by a large audience.

New Members of Board.

At a meeting of the board of trustees of the Virginia Christian College, held at the college, Rev. Ritchie, pastor of the First Christian Church of Lynchburg, and Luther Wright, of Richmond, were elected members of the board.

The election of Rev. Mr. Ware to the board was to fill